



RCMP Criminal Intelligence

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# CANADIAN SOVEREIGNTY IN THE ARCTIC CHALLENGES FOR THE RCMP

JUNE 05, 2007

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## PURPOSE

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This Criminal Intelligence Brief provides an overview of recent issues involving Canadian Arctic Sovereignty.

## KEY FINDINGS

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- Increased navigability of Arctic marine waters will lead to accrued marine traffic.
- International interest in the region points to the need for coordinated monitoring over activity in the North.
- Canada is under pressure to exercise full control and authority in the Arctic region.
- Claims to exploit resources of the circumpolar region are likely to become more numerous and more actively pursued leading to potential diplomatic conflicts.
- Accrued human activity in the Arctic is also agent for organized criminal activity.





## INTRODUCTION

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Canada has lost approximately 90 per cent of its ice shelves in the last hundred years due to rising Arctic temperatures, replacing what was once considered eternal sea ice by open water. This has resulted in the creation of new marine routes, thereby contributing to ever increasing levels of maritime traffic. International interest in the region's natural resources has produced an explosion of human activity in the area, thereby increasing pressures to provide proper monitoring over territorial waters. Denmark, Russia, China, and the US have all been active in the region through commercial and scientific exploration. Scientific expeditions designed to gather supporting data for the determination of the limits of continental shelf are underway for several arctic states. Various levels of debate over ensuing claims to Arctic seabed have and continue to arise as a result.

Within existing frameworks of international law, the concept of sovereignty is rooted in the manifestation of territorial control and jurisdictional authority. Sovereignty is increasingly associated with a responsibility toward the safeguard of citizens, and as such, increased expectations are placed on Canada not only to show a strong presence in the Arctic waters, but also to enact and enforce laws and regulations that govern the country.



*Russian Flag on the Arctic Sea Bed*

## PRESENT ISSUES REGARDING ARCTIC SOVEREIGNTY

A coastal state, Canada has sovereign rights over the continental shelf defined as the area of seabed which extends 200 nautical miles (370km) from the shore. These rights include exploration and exploitation of its resources and give Canada jurisdiction over marine science research and environmental protection throughout this 200 nautical miles exclusive economic zone (EEZ). Coastal States may submit a recommendation to the United Nation's Commission on the Limits of the Continental Shelf (UNCLOS) to increase their EEZ where the shelf's outer boundaries extend beyond 200 miles. Canada is currently preparing its claim and has until 2013 to submit it to UNCLOS. The EEZ is often set from outlying islands of unresolved ownership, resulting in various levels of disputes with other countries. In the Beaufort Sea where several countries converge, the stage has been set for a territorial race to win claims that will increase their rights to seabeds and natural resources (see map below).



- 1) **North Pole:** Russia leaves its flag on the seabed, at 4,000m beneath the surface.
- 2) **Lomonosov Ridge:** Russia argues that this underwater feature is an extension of its continental territory — currently collecting data-supporting evidence to make a claim
- 3) **200-nautical mile (370km) line:** Shows how far countries' economic zone extends beyond their coastline. Often set from outlying islands
- 4) **Russian-claimed territory:** The bid to claim a vast area is being closely watched by other countries who could follow suit.

There are currently three contentious issues pertaining to Canadian Sovereignty in the Arctic. The first one is in relation to territorial sovereignty while the other two deal with maritime rights. They are;

- the Hans Island dispute with Denmark,
- the status of the Northwest passage with the US, and
- the Canada/US boundary line extension into the Beaufort Sea.

## Hans Island

Canada claimed this small uninhabited island in 1973 at the moment of signing the delimitation treaty about the Continental Shelf between Greenland and Canada. No agreement was ever reached with the Danes on this issue and in 2005, the Danish Government claimed ownership to Hans Island as well. The two countries have since agreed to further discuss this issue.

## The Northwest Passage

Canada and the United States diverge on their position regarding the status of the Northwest Passage. Canada maintains that under UNCLOS<sup>1</sup>, its waters are internal and therefore fall under its full jurisdiction and control. In 1985, an incident where a U.S. icebreaker had sailed through the Northwest Passage without Canada's consent or knowledge had created a debate which was resolved with an agreement that U.S. icebreakers will always be granted access to the passage, and Canada will always be informed beforehand. This diplomatic appeasement has not resolved the divergence of opinion as to whether the Passage should be considered an international Strait or whether it fall under the umbrella of Canada's authority as a system of internal waters. Within their EEZ, countries have the right to control access to a belt of water that is 12 nautical miles from the coastline

## The Canada/US Maritime Delimitation in the Beaufort Sea

This dispute is a boundary disagreement between Canada and the U.S. regarding the maritime extension of the land boundary between Yukon and Alaska. The U.S. currently rejects Canada's claims that the boundary runs along the 141st meridian. The dispute is still pending.

## Key Diplomatic Issues in the Beaufort Sea

In August 2007, two Russian MIR submersibles dove under the polar ice cap to the seabed of the North Pole. This was the first ever attempt to reach the sea floor. Scientists took water and mineral samples to gain knowledge on Arctic minerals. Russian officials hope that some of the scientific data will support the country's claim for the 1,2 million square km of the Arctic. A Russian flag was planted onto the North Pole seabed upon completion of this mission causing much international trepidations. No country can effectively claim the North Pole.

Other territorial issues in the Arctic include the redefining of the Baffin Island/Greenland boundary based on up to date scientific information.

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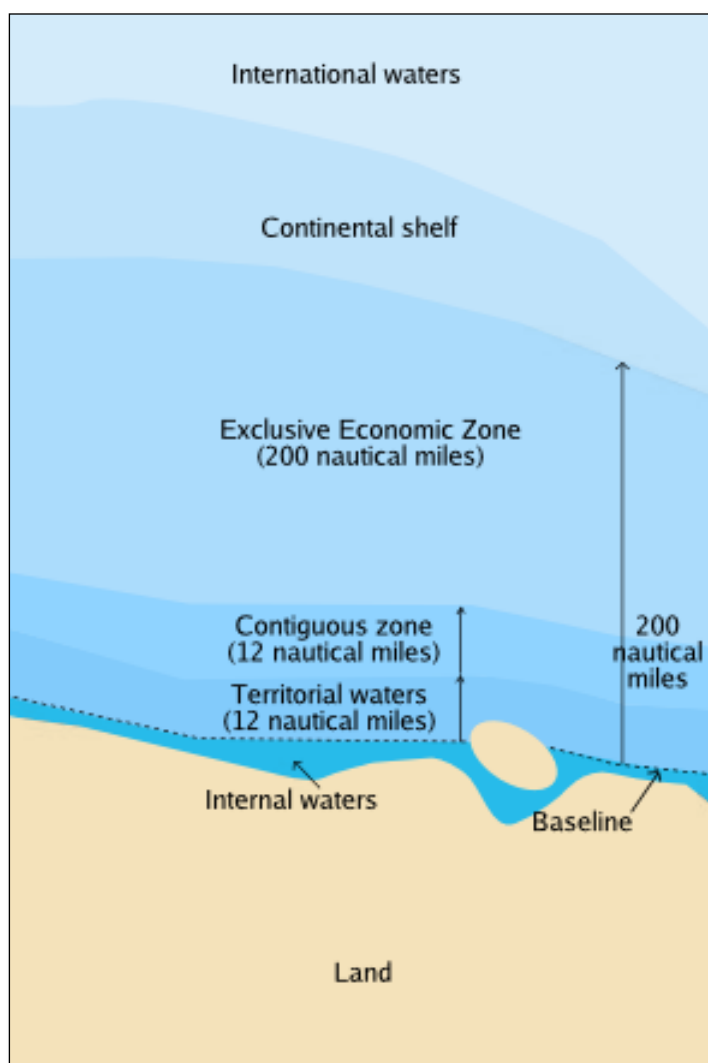
<sup>1</sup> **United Nations Convention on the Law of the Sea (UNCLOS)** defines the rights and responsibilities of nations in their use of the world's oceans, establishing guidelines for businesses, the environment, and the management of marine natural resources.



## WHO GOVERNS ARCTIC DEMARCATION?

The United Nations governs the delineation of the outer limits of the continental shelf where it extends beyond the 200 nautical miles exclusive economic zone. A coastal state with a continental shelf extending beyond 200 nautical miles has ten years from its ratification of the United Nations Convention on the Law of the Sea Treaty (UNCLOS) to make a submission to the Commission for the Limits of the Continental Shelf. Canada is currently associated with scientific expeditions tasked with collecting evidence that will be used in future claims to UNCLOS. The goal is to establish the maximum extent of our continental shelf which will confer full rights for the purpose of exploring and exploiting the natural resources of the Arctic seabed and subsoil. Canada ratified UNCLOS in 2003.

The mapping work required to prepare a submission to the UN necessitates the collection of data under extreme conditions (weather and logistical) and as a result, US, Russia, and Norway scientists have worked together with Canadian scientists in this collection of data.



Source: Wikipedia, retrieved on 2008-07-17



## EMERGING MONITORING AND ENFORCEMENT ISSUES

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The need for monitoring over the Arctic is becoming increasingly important in order to demonstrate sovereignty; and to detect report and respond to incidents requiring official presence.

Increased levels of activity in the region are rooted in the various types of expeditions which include:

- Scientific expeditions for the purpose of monitoring the progress of polar ice movement and global warming
- Scientific expeditions for the purpose of collecting seabed data
  - Includes the deployment of seismic sensors along the Alpha Ridge, north-west of Ellesmere Island for the United Nations Convention on the Law of the Sea (UNCLOS)
- Personal or sporting endeavours, such as endurance races and expeditions to the North Pole
- Scientific or military airborne expeditions
  - Such as NASA's DC-8 airborne laboratory to collect data on atmospheric pollution
  - Or surveillance/monitoring operations

## CANADA'S RESPONSE

In 1999, the Arctic Sovereignty Working Group (ASWG) was formed with the aim of enhancing the security and sovereignty of Canada's North through information sharing and cooperation. The ASWG consists of 40-50 members from federal government departments, Aboriginal groups, NGO's and other stakeholders with a mandate or interest in the North.

In July 2007, Prime Minister Stephen Harper announced efforts to forward to defend and strengthen Canada's Arctic sovereignty<sup>2</sup>.

The project is to include:

- the building of eight state-of-the-art Arctic offshore patrol ships,
- to construct a deep-water seaport at Nanisivik
- and to set a military training base at Resolute

The Arctic offshore patrol ships will allow the navy to conduct seaborne surveillance operations in Canada's Exclusive Economic Zone. The deepwater docking and refuelling facility at Nanisivik will allowed both Canadian Navy and the Canadian Coast Guard vessels to take on fuel, provisions, spare parts, and supplies and to transfer personnel over the course of their deployment in Canada's Arctic. The plan for the accrued navy patrol fleet is meeting some opposition with academics for the vessels limited capacity to travel through the arctic ice conditions.



<sup>2</sup> <http://pm.gc.ca/eng/media.asp?id=1741>



## IMPLICATIONS FOR CANADA

### Navigation

Arctic shrinkage broke records in 2007 with data showing the smallest area of ice on record<sup>3</sup>. The average temperatures in the arctic are rising more rapidly than in the rest of the world. US predictions (US Study December 2006) foresee the passage could be ice free by 2040.

### Routes

The Northwest Passage is made up of five different routes that meander through rocky islands and narrow waterways. The southern route is the one that is the least subjected to be covered by ice. It is also the most challenging route for large ships for manoeuvring reasons. The passage reduces the distance between Europe and the Far East to about 7900 nautical miles from 12,600 nautical miles when using the Panama Canal.



### Commerce and Traffic

Cruise ship activity was higher in 2007 than in previous years. As well, it has been reported that the use of small vessels to enter Canada constitutes an issue of concern for the purpose of as security checks and monitoring are more difficult to conduct.

### Natural resources

Receding ice is seen as a removed impediment against exploring for oil and gas in the North. New projects are on the horizon for 2008 with bids from Imperial Oil and Exxon Mobil for development rights in the Beaufort Sea scheduled for this summer.

Canada is the third largest producer of Diamonds after Botswana and Russia.

The value of fresh water as a commodity is expected to increase over the long term. In light of current surveillance gaps, the potential exists for foreign vessels to remove fresh water from the Canadian North without authorization.

<sup>3</sup> "Arctic shrinkage" is defined as the marked decrease in Arctic sea ice.

### Major Industry Projects

- **Jericho Diamond Mine Project.** Operated by Tahera Diamond Corporation and Benachee Resources. Jericho is a kimberlite deposit located in Nunavut near the NWT border. The deposit is located on Crown land although parts of the proposed project will be on land with Inuit-owned surface rights.
- **The Doris North Gold Project:** 110 KM south west of Cambridge Bay.
- **Meadowbank Gold Project:** 70 KM North of Bakers Lake.
- **The Bathurst Inlet Port and Road Project proposal:** consists of a marine port facility with a 211 km all weather road crossing.
- **Mary River Iron Mines Project.** Operated by Baffinland Iron Mines Corporation. Located on Baffin Island. The project includes prospected concepts of mining, processing and shipping the iron-ore to its primary markets in Europe. The ore will be hauled to a rail loading facility and transported to Steensby Inlet where a deep-water port will be constructed. Construction of the full-scale operation is slated to commence in the summer of 2010 with anticipated first commercial shipments in 2014.
- **The Mackenzie Valley Pipeline.** Proposed 1220-km natural-gas pipeline running from the Northwest Territories' Mackenzie Delta to Alberta to connect with existing pipelines. Imperial Oil, ConocoPhillips Canada, Shell Canada, Exxon Canada and Aboriginal Pipeline Group are heading this project. The projected cost to construct the pipeline is valued at approximately \$16.2 billion with a start date no sooner than 2014.

### RCMP Federal and Contract Policing

Several efforts and initiatives are presently underway to augment policing in the North which will assist in dealing with issues associated to increased human presence.

Labor market shortages in the North have led employers to turn to a foreign work force which for the most part is not subjected to security screening prior to entering Canada. Future industrial projects will likely involve further employment challenges and foreign human resources may become central to hiring policies.

The Northwest Territories (G Division) are currently in the process of establishing new detachments and full time policing resources in the communities of Gameti, Wrigley and Sachs Harbour. (A)

The Port of Churchill is a key player for the Arctic Bridge, a projected ice-free route travelling across the Arctic Ocean to link North America to markets in Europe and Asia. This shipping route already links Russia to Canada, specifically the Russian port of Murmansk to the Hudson Bay port of Churchill, Manitoba. On October 18, 2007 the port received its first inbound shipment in seven years as the port is typically used for outgoing shipments of grain. It was the first ever shipment from Russia, which contained large amounts of fertilizer purchased by Farmers of North America.



## OUTLOOK

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Canada has lost approximately 90 per cent of its ice shelves in the century due to rising Arctic temperatures. With the opening of viable shipping and navigation routes, commercial, military, and pleasure voyages will soar resulting in exponentially increasing marine traffic in the area.

Claims to exploit the resources of the circumpolar region are likely to become more numerous and more actively pursued. This will increase the potential for conflict amongst states that have an Arctic maritime border which converges with that of others.

It is important to note that the Arctic is a vast and remote territory that presents many difficulties in terms of surveillance, regulation, and infrastructure development. Oil tanker traffic is rising and fishing boats are going farther north.

# APPENDIX A — THE ARCTIC REGION



Source: Wikipedia, retrieved on 2008-05-08.



## APPENDIX B — UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

The *United Nations Convention on the Law of the Sea* lays down a comprehensive regime of law and order in the world's oceans and seas establishing rules governing all uses of the oceans and their resources.

The Convention comprises 320 articles and nine annexes, governing all aspects of ocean space, such as delimitation, environmental control, marine scientific research, economic and commercial activities, transfer of technology and the settlement of disputes relating to ocean matters.

Some of the key features of the Convention are the following:

### **Sovereignty, territorial boundaries and exploration rights**

- The Commission on the Limits of the Continental Shelf shall make recommendations to States on the shelf's outer boundaries when it extends beyond 200 miles
- Coastal States exercise sovereignty over their territorial sea which they have the right to establish its breadth up to a limit not to exceed 12 nautical miles
- Coastal States have sovereign rights over the continental shelf (the national area of the seabed) for exploring and exploiting it; the shelf can extend at least 200 nautical miles from the shore, and more under specified circumstances
- Archipelagic States, made up of a group or groups of closely related islands and interconnecting waters, have sovereignty over a sea area enclosed by straight lines drawn between the outermost points of the islands; the waters between the islands are declared archipelagic waters where States may establish sea lanes and air routes in which all other States enjoy the right of archipelagic passage through such designated sea lanes
- Coastal States have sovereign rights in a 200-nautical mile exclusive economic zone (EEZ) with respect to natural resources and certain economic activities, and exercise jurisdiction over marine science research and environmental protection
- Land-locked and geographically disadvantaged States have the right to participate on an equitable basis in exploitation of an appropriate part of the surplus of the living resources of the EEZ's of coastal States of the same region or sub-region
- All States enjoy the traditional freedoms of navigation, overflight, scientific research and fishing on the high seas; they are obliged to adopt, or cooperate with other States in adopting, measures to manage and conserve living resources
- The limits of the territorial sea, the exclusive economic zone and continental shelf of islands are determined in accordance with rules applicable to land territory, but rocks which could not sustain human habitation or economic life of their own would have no economic zone or continental shelf



### **Navigation, Control and Right of Passage**

- Coastal States exercise sovereignty over their territorial sea which they have the right to establish its breadth up to a limit not to exceed 12 nautical miles; foreign vessels are allowed “innocent passage” through those waters
- Ships and aircraft of all countries are allowed “transit passage” through straits used for international navigation; States bordering the straits can regulate navigational and other aspects of passage
- Land-locked States have the right of access to and from the sea and enjoy freedom of transit through the territory of transit States
- All non coastal States have freedom of navigation and overflight in the EEZ, as well as freedom to lay submarine cables and pipelines

### **Accountability and Responsibility**

- States bordering enclosed or semi-enclosed seas are expected to cooperate in managing living resources, environmental and research policies and activities
- States are bound to prevent and control marine pollution and are liable for damage caused by violation of their international obligations to combat such pollution
- Highly migratory species of fish and marine mammals are accorded special protection
- Coastal States share with the international community part of the revenue derived from exploiting resources from any part of their shelf beyond 200 miles

### **Disputes and Agreements and Cooperation**

- States are bound to promote the development and transfer of marine technology “on fair and reasonable terms and conditions”, with proper regard for all legitimate interests
- States Parties are obliged to settle by peaceful means their disputes concerning the interpretation or application of the Convention
- Disputes can be submitted to the International Tribunal for the Law of the Sea established under the Convention, to the International Court of Justice, or to arbitration. Conciliation is also available and, in certain circumstances, submission to it would be compulsory. The Tribunal has exclusive jurisdiction over deep seabed mining disputes

### **Research**

- All marine scientific research in the EEZ and on the continental shelf is subject to the consent of the coastal State, but in most cases they are obliged to grant consent to other States when the research is to be conducted for peaceful purposes and fulfils specified criteria
- Coastal States have sovereign rights in a 200-nautical mile exclusive economic zone (EEZ) with respect to natural resources and certain economic activities, and exercise jurisdiction over marine science research and environmental protection

